



## PREVENTING NUCLEAR SMUGGLING PROGRAM

### FACT SHEET

### Provisions for the Criminalization of Radioactive and Nuclear Materials Smuggling<sup>1</sup>

Effective investigations, prosecutions, and convictions are essential for keeping criminals and terrorists from acquiring dangerous nuclear and radioactive materials. Comprehensive national criminal laws can ensure that governments have the ability to prosecute all types of cases of illicit nuclear trafficking. To help with this, governments may consider using the following questions and sample definitions to assess the comprehensiveness of their laws related to criminal nuclear and radioactive material smuggling.

#### Do Your Laws Criminalize...?

- **Possession, Use, or Transfer of Nuclear or Radioactive Material** – “To possess, use, transfer, obtain, or conspire to obtain nuclear or radioactive material without authorization.”
- **Sale or Purchase of Nuclear or Radioactive Material** – “To sell, attempt to sell, purchase, or attempt to purchase nuclear or radioactive material without authorization.”
- **Sale or Purchase of Scam Nuclear or Radioactive Material** – “To sell, attempt to sell, purchase, or attempt to purchase purported nuclear or radioactive material without authorization, regardless of whether the material is believed to be authentic or not.”
- **Threats or Hoaxes Involving Nuclear or Radioactive Material** – “To threaten or convey information, false or actual, that could reasonably be believed to constitute a nuclear or radiological threat to safety or security or a violation of other applicable laws.”

#### Do Your Laws Permit...?

- **Law Enforcement Sting Operations** – “To authorize law enforcement operations to counter any of the above activities by exempting personnel from certain legal provisions as necessary.”

Past cases suggest investigations, prosecutions, and convictions can be impeded by the complex nature of crimes related to nuclear or radioactive materials. Scams, threats, hoaxes, unsuccessful attempts, and brokering cases are especially complex given that they often do not result in harm. Likewise, law enforcement sting operations might pose procedural challenges or expose personnel to legal risks. Even when convicted, perpetrators are often given lenient sentences. In order to ensure effective legal frameworks, investigators, prosecutors, judges, and parliamentarians should take care to address each of these concerns.

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<sup>1</sup> U.S. criminal statutes related to radioactive and nuclear materials smuggling include: 42 U.S.C. §§ 2272 and 2077(a); and 18 U.S.C. § 1038, 2332a, 831(a)(6), 1341, 1343, and 842.